

COUNCIL MEETING
MONDAY, MAY 21, 2018
COUNCIL CHAMBERS
www.lackawannany.gov

Regular session of the Lackawanna City Council met in the Council Chambers, Council President Keith Lewis presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Keith Lewis.

Meeting called to order

NB: Meeting being recorded

Roll Call: Council: Present: Noman, Iafallo, Leonard, Surdyke, Lewis

Dept. Heads: Present: Law, Development, Comptroller, Public Safety, Recreation,
Public Works

Approval of Minutes: of regular meeting of May 9, 2018.

Moved by Surdyke seconded by Lewis to adopt minutes of regular meeting of May 3, 2018

Yeas: Noman, Iafallo, Leonard, Surdyke. Lewis

Carried 5-0

Departmental Reports:

1. **City Comptroller-** A/P Check Listing #45, dated May 3, 2018
2. **City Comptroller-** A/P Check Listing #46, dated May 10, 2018

Moved by Lewis seconded by Iafallo receive and file departmental reports one and two

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Communications from the Mayor:

2018-2019 Mayor's Proposed City Budget

3. To: City Council

I am submitting to you the proposed budget for the City of Lackawanna. There are only a few new items in this budget, including funds to hire investigators to investigate possible fraudulent worker's compensation claims. \$100,000 is itemized for union negotiations.

I have taken out the fire truck and plow truck, as I am recommending we bond these items out and spread out the payments over many years at a much reduced rate. I am recommending we go to bond market after the final bond of the playgrounds and totes are paid off in August.

We are continuing to fund a budget line to prepare for accrued time incurred by employees who were hired under previous hiring conditions. Funds that are not spent during this budget will continue to be placed in reserve accounts in preparation of the inevitable cash out.

The increase in health insurance and workers' compensation insurance combined put us over the phony two percent tax cap. These numbers are not adjustable. This year's 2% tax cap for the month of August is 1.00%. We continue to be under the state's constitutional taxing limit.

The garbage fee is now self sustaining unless adjusted by the council.

As the city council has requested to have meetings with departments to address their requests for the

budget, I have reviewed their requests and have made additional adjustments. I have reduced the department head's requested budget by \$989,894.

As the capital budget has shown, we will have over \$3.3 million in capital projects slotted for next year, including a recreational shelter, the Downtown Revitalization Initiative (DRI) and the scenic trail.

MAYOR SZYMANSKI

Moved by Lewis seconded by Iafallo, receive and file

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Communications from Department/Division Heads:

Police Department-Retiree

4. To: City Council

Please be advised that the following employee has retired from the Police Department: May 5, 2018-
Dawan Jones.

CAROLYN NICOMETO-COMPTROLLER

Moved by Lewis seconded by Noman receive and file

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Parking Sign-Colton Avenue/Ridge Road

5. To: City Council

I received a call from the City of Lackawanna Post Office, on May 10th, with regard to a request of possibly moving the No Parking Here to Corner sign on Colton Avenue near Ridge Road, further back from the present location.

The current location of the sign makes it difficult for mail trucks to back into the Post Office lot to drop off mail, due to vehicles parking at the present location. I made contact with the complainant at the Post Office and explained that their request would have to be presented to the City Council to have a city ordinance passed to authorize the moving of the current No Parking Here to Corner sign.

I advised the postal employee that I would submit a request, on their behalf, to have the current sign repositioned to assist with their concerns with regard to the postal trucks accessing their office lot.

I respectfully request that this matter be addressed by the City Council and the repositioning of the current parking restriction sign be considered and the appropriate action taken.

JAMES T KUNA-DIRECTOR of PUBLIC SAFETY

Moved by Lewis seconded by Iafallo approve request, direct City Attorney to prepare ordinance

Yeas: Noman, Iafallo, Surdyke, Lewis

Nays: Leonard

Carried 4-1

Adjusted Base Proportions-0%

6. To: City Council

The Shift of 0% in the attached documents is representative of the 2018-2019 Budget Proposal.

Pursuant to Article 19 of the New York State Property Tax Law and New York State Office of Real Property Services Rules, NYCRR-186-10, the legislative body of the City of Lackawanna must establish current and adjusted base proportions.

Attached are forms EA6701 and EA6703 with computations of the Current Base Proportions and Adjusted Base Proportions for the City of Lackawanna and Lackawanna School District portions of the

2018-2019 assessment roll. Please direct the City Clerk to certify these forms with the 0% Shift and forward them to the New York State Office of Real Property Services.
(Information on file with City Clerk)

FRANK E KRAKOWSKI-CITY ASSESSOR

Moved by Lewis seconded by lafallo to **TABLE** 0% shift in Adjusted Base Proportions for City and School District 2018-19 assessment roll

Yeas: Noman, lafallo, Leonard, Surdyke, Lewis Carried 5-0

Erie County Community Development Block Growth Smart Growth Fund

7. To: City Council

The City of Lackawanna has been given the opportunity to apply for funds not to exceed \$325,000.00 from the County of Erie Community Development Block Grant Smart Growth Fund. This project must be located within the boundaries of the central business district with its main purpose to enhance walk- ability to help increase vibrancy and assist in reviving downtown main street area. Consideration will be given to projects that can be completed within 12 months and properties that are controlled by the City. Although there is no match required, it is suggested that the City provide a 10% match (\$32,500.00) commitment if our application is successful. Our proposal would build onto amenities and activities offered at Memorial Park on Ridge Road that do not currently exist.

DREW SHAPIRO-DIRECTOR of DEVELOPMENT

Moved by Lewis seconded by Noman to **TABLE** pending receipt of further information

Yeas: Noman, lafallo, Leonard, Surdyke, Lewis Carried 5-0

Lincoln School Demolition-Additional Funds

8. To: City Council

I am requesting your Honorable Body pass the attached resolution requesting an additional \$100,000.00 from the fiscal year 2018 Erie County Community Development Block Grant program for the demolition of Lincoln School at 100 Dona Street in Lackawanna, NY.

Thank you in advance for your anticipated cooperation on this matter.

DREW SHAPIRO-DIRECTOR of DEVELOPMENT

Moved by Lewis seconded by Noman receive and file, act on resolution

Yeas: Noman, lafallo, Leonard, Surdyke, Lewis Carried 5-0

Budget Transfer-NYS Brownfield Area Grant

9. To: City Council

I am requesting to transfer \$25,300 (for invoice #'s 0163228 and 0169004) to the Capital Fund for expenditures incurred under the New York State Department of State Brownfield Opportunity Area Grant Lackawanna First Ward-Step 3, Contract #C1000137, grant amount \$862,460.00 The funds will be reimbursed to the General Fund receipt of funds from the State.

Thank you in advance for your assistance and consideration to this matter. If you have any questions, please feel free to contact me.

DREW SHAPIRO-DIRECTOR of DEVELOPMENT

Moved by Lewis seconded by Noman receive and file, act on ordinance

Yeas: Noman, lafallo, Leonard, Surdyke, Lewis Carried 5-0

Award Bid-Abbott/Ridge Roads Traffic Signal Light

10. To: City Council

I request the Council accept this bid from Spoth Enterprises, Inc. The bid is for materials for the Abbott Rd. & Ridge Rd. traffic signal light.

(Material price list on file with City Clerk)

ANTHONY DESANTIS-COMMISSIONER of PUBLIC WORKS

Moved by Lewis seconded by Surdyke to award contract to Spoth Enterprises, Inc

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Communications from Citizens:

Chamber of Commerce-Veteran Banners

11. To: City Council

Please accept this letter as a formal request to be placed on the agenda for May 21st City Council meeting to receive approval and collaboration from the City of Lackawanna. Currently, the Chamber of Commerce manages the Veteran's Monument located in Lackawanna with the assistance of the LCDC and the Lackawanna Fire Department. The Chamber of Commerce is interested in pursuing a project that would honor veterans and/or active military personnel by displaying banners on poles throughout the city at the city's discretion of location. The Chamber of Commerce would spearhead the project by soliciting applications, collecting fees, purchasing the banners and the brackets necessary to be attached to each pole, and be the sole contact for this project.

The Chamber of Commerce is seeking assistance with the hanging of the banners each season and taking them down after the summer season is over. It is estimated that they would be displayed during May of each year and taken down in September. Our goal for this season is to have the first banner displayed by the 4th of July. The Chamber of Commerce is also open to feedback and suggestions for this project. Thank you in advance for your support and consideration

JENNIFER NAHREBESKI-CHAMBER of COMMERCE PRESIDENT

Moved by Lewis seconded by Iafallo approve request, direct Commissioner of DPW to contact the Chamber of Commerce

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Waive Rules:

Moved by Lewis seconded by Iafallo to waive the rules and introduce two items

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Baker Victory Services-180 Martin Road

12. To: City Council

Please accept this letter as a formal notice pursuant to the New York State Mental Hygiene Law that BVS is requesting approval for its currently owned property at 180 Martin Rd., to be repurposed as an Individuals Residential Alternative (IRA) for developmentally disabled individuals. This residence is currently certified and licensed by OCFS-Office of Child and Family services.

The proposed IRA will be staffed 24 hours a day and will provide housing and medical care, supportive assistance, and assistance in all aspects of independence and community living skills for 7 disabled individuals. As you have seen, the population we serve is very medically involved. This location was chosen as it is a one story, handicapped accessible residence that is more appropriate for the individuals' care than their current residence.

In our meeting with you and several council members you asked that we submit this request so that it may be acted upon at the May 9th City Council Meeting. I look forward to the outcome of that meeting. Should you require any further information, please do not hesitate to contact me. Thank you for your help in completing the site selection process for this location.

TERESE M SCOFIDIO

Moved by Lewis seconded by Iafallo to approve request

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Entertainment Licenses:

Ice House Pub-715 Ridge Road- Outdoor Live Music for Sat. 6/9/18, Sat. 7/14/18 & 8/11/18

Moved by Lewis to approve contingent on any reports after the 6/9/18 event

NO SECOND-MOTION FAILED

Live Music request at 143 Steelawanna on May 26, 2018

Moved by Lewis to approve request-

NO SECOND-MOTION FAILED

Resolution –

A resolution authorizing the City of Lackawanna to file an application for funds with the Erie County Department of Environment and Planning to obtain a grant in the amount of \$325,000

Moved by Lewis seconded by Surdyke to adopt resolution as written

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Resolution #10, 2018- 100 Dona Street Demolition-CDBG Funding

WHEREAS, the City of Lackawanna is in need of funding for eligible programs under the Community Development Block Grant Program; and

WHEREAS, the City of Lackawanna is desirous of obtaining financial assistance for the proposal; and

WHEREAS, it is in the public interest that the City of Lackawanna apply for such financial assistance from the Community Development Block Grant Program through the Erie County Department of Environment & Planning; and

NOW, THEREFORE BE IT RESOLVED, That the Lackawanna City Council requests an additional \$100,000.00 of Community Development Block Grant Funds be considered for funding by the Community Development Block Grant Program during the 2018 grant year for the demolition of Lincoln School at 100 Dona Street.

BE IT FURTHER RESOLVED, that the Lackawanna City Council authorizes Mayor Geoffrey M. Szymanski to sign submit and execute a contract with the Erie County Community Development Block Grant Program for the additional funds to demolish Lincoln School upon approval of the Erie County Community Development Block Grant Program Administrator.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Noman to adopt resolution as written

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Ordinances:

(1) Mayor's Proposed 2018-19 City Budget

AN ORDINANCE ADOPTING THE CURRENT EXPENSE BUDGET OF THE CITY OF LACKAWANNA FOR THE FISCAL YEAR 2018-2019

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1 The City Charter of the City of Lackawanna, New York requires that the City Council, at a meeting thereof, held not later than the 10th day of June, adopt a Current Expense Budget for the fiscal year, August 1, 2018 through July 31, 2019, showing all City expenditures and revenues and including the real property tax rate.

SECTION 2 That the sum of \$11,820,726.00, being the entire amount determined to be necessary to be raised by taxation to defray the expense of the City for the 2018-2019 fiscal year, apportioned in the amount of \$6,151,291.00 for properties qualifying as homestead properties and \$5,669,435.00 for non-homestead properties in accordance with the detailed statement of revenues and expenses as estimated and adopted by the City Council, be and the same is hereby levied upon all real and personal property subject to taxation upon the assessment roll of the City of Lackawanna for the 2018-2019 fiscal year.

SECTION 3 That the City Clerk be and hereby is directed to extend and apportion the said sum levied and to be raised by taxation as aforesaid in the last assessment roll of the City of Lackawanna delivered to him and to deliver a certified duplicate of the same, with a warrant annexed, under the seal of the City of Lackawanna, to the City Treasurer, commanding her to receive, levy and collect the several sums in said roll specified and assessed against the persons or property therein mentioned or described with such percentage in the manner provided by law for the collection and levying of City taxes by the City Treasurer.

SECTION 4 That the following schedule be and the same is hereby adopted as the Current Expense Budget of the City of Lackawanna for the fiscal year August 1, 2018 through July 31, 2019, along with the revenues and taxation estimated and levied herein, and the same be and hereby is appropriated in the sums set forth in the third column of said schedule to the use of the several boards, departments and offices for the purposes enumerated therein, to wit:

Homestead Tax Rate:	\$17.90 of assessed valuation
Non-Homestead Tax:	\$43.30 of assessed valuation

SECTION 5 That the City Clerk be and she hereby is directed to forward a copy of this Ordinance to the City Treasurer, Director of Administration and Finance, City Comptroller and the City Attorney's Office

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis to adopt ordinance as written-

NO SECOND-MOTION FAILED

(2) Brownfield Opportunity Area Grant

AN ORDINANCE AMENDING THE 2017-2018 BUDGET ORDINANCE ADOPTED JUNE 7, 2017

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the 2017-2018 Budget Ordinance adopted June 7, 2017 is hereby amended to increase appropriations for Capital Project-Brownfield Opportunity Area Grant Lackawanna First Ward Step 3

SECTION 2. That the 2017-2018 Budget Ordinance is hereby amended to increase by \$25,300.00 Budget code A.9000.9551 Transfer to Other Fund Capital from Fund Balance

SECTION 3. That the 2017-2018 Budget Ordinance is hereby amended to increase by \$25,300.00 Budget code H.000.5031 Capital Fund-Interfund Transfers by \$25,300.00

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Lewis seconded by Noman to adopt ordinance as written

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Moved by Lewis seconded by Leonard to re-open vote on the first resolution regarding the application of funds in the amount of \$325,000-original vote passed in error

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Moved by Lewis seconded by Iafallo to **TABLE** resolution for further study

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Adjournment:

Moved by Lewis seconded by Iafallo meeting adjourned

Yeas: Noman, Iafallo, Leonard, Surdyke, Lewis

Carried 5-0

Keith E. Lewis-Council President

Jeffrey P. DePasquale, City Clerk